



ASSISTANT SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON  
WASHINGTON DC 20301-4000



SEP 8 1992

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT: Approval of Certain Law Enforcement Officer Positions for Special Coverage Under the Federal Employees' Retirement System

We concur with your recommendation in the attached memorandum that the following positions meet the definition of Law Enforcement Officer for purposes of 5 USC 8412 (d) coverage, as rigorous/primary positions:

<u>Position Title</u>	<u>Series/Grade</u>	<u>PD#</u>	<u>Location</u>
Criminal Investigator	GS-1811-11	S0010	Ft. Detrick, MD
Criminal Investigator	GS-1811-12	71258	Crim. Inv. Command (Standard PD)

The Provost Marshal, GS-301-12, job at Fort Detrick, MD, and the positions in the GS-083 series which were forwarded with your request do *not* meet the definition of Law Enforcement Officer for purposes of special retirement coverage. The primary duties of these positions involve maintaining law and order and protecting life and property. Such positions are specifically excluded from coverage of the special retirement provisions by 5 CFR 842.802.

Please ensure that the affected employees are notified of their rights to appeal this determination to the Merit Systems Protection Board as provided by 5 CFR 842.807.

Edwin Dorn

Attachment:  
Department of the Army memo  
of March 13, 1992

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FICHE # A..... IMAGE # 505-209

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DEPARTMENT OF THE ARMY  
OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL  
WASHINGTON, DC 20310-0300



REPLY TO  
ATTENTION OF

12 MAR 1992

MEMORANDUM THRU ~~CHIEF OF STAFF, ARMY~~ *B 16/3/92* ~~ASSISTANT SECRETARY OF THE ARMY~~ *LAMAR, THOMAS*  
(MANPOWER AND RESERVE AFFAIRS) *12.01.000000*  
FOR DEPUTY ASSISTANT SECRETARY OF DEFENSE (CIVILIAN PERSONNEL POLICY) *CAREL, J. H.*  
SUBJECT: Conversion of Certain Positions to Special Retirement Coverage--ACTION MEMORANDUM *Assistant Deputy for Civilian Personnel Policy*  
27 MAR 1992

Agency heads are authorized by Title 5, Code of Federal Regulations, Part 842 to determine coverage under special retirement provisions of the Federal Employees' Retirement System (FERS) for Law Enforcement Officers. Agency head in this context means, for executive branch agencies, the head of an executive agency as defined in United States Code 105. Within the Department of Defense the authority rests with the Secretary of Defense rather than the heads of service components. This coverage determination authority is not delegable.

The Department of the Army therefore requests approval of coverage under the special retirement provisions of 5 United States Code 8412(d) for the rigorous or secondary positions which satisfy the criteria explained below:

**Rigorous positions.** The primary duties are to perform work involving the investigation, apprehension, or detention of individuals (some of whom may be emotionally volatile or pose a significant physical threat) who are suspected or convicted of actions against the criminal laws of the United States, or the protection of officials of the United States against threats to personal safety. The definition of law enforcement officer contained in Title 5, United States Code, Section 8401(17)(c)(iii) includes an employee "in the field service at Army or Navy disciplinary barracks or at any other confinement or rehabilitation facility operated by any of the armed forces."

Secondary and administrative position coverage. Incumbents of these positions meet the requirements of Title 5 United States Code 8412(d) if they transfer from a rigorous position without a break in service exceeding three days and have completed ten years of service in a rigorous position.

The list at Enclosure 1 reflects new requests for Law Enforcement coverage not previously submitted to the Secretary of Defense. In order to aid you in this decision we have provided our advisory opinion, the review by our attorney-advisor, and the Office of Personnel Management's (OPM) latest decision letter on Law Enforcement coverage.

With respect to the Criminal Investigator, GS-1811-12 positions, job number 71258, Criminal Investigation Command, reflected in the enclosure, OPM has approved this position for coverage under the Civil Service Retirement System (CSRS). Accordingly, request your approval of this position for coverage under similar FERS special retirement provisions.

If your staff has any questions or needs additional information in this matter, they may contact Ms. Mary Dakis. Her telephone number is 325-0809.

FOR THE DEPUTY CHIEF OF STAFF FOR PERSONNEL:

*for* *Charles W. Wexler*  
RAYMOND J. SUMSER  
Director of Civilian Personnel

Enclosures

TITLE	SERIES/GRADE	PD #	PRIMARY (P)/ SECONDARY (S)	ADVISORY CONCUR (C) NON-CONCUR (NC)
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Fort Hood

Detective	0083-07	#88-314	P	NC
Lead Police Officer	0083-07	#91-020	P	NC
Supv Police Officer	0083-09	#90-033	P	NC
Police Officer	0083-06	#90-034	P	NC

Fort Drum

Detective	0083-07	#2716	P	<del>NC</del> <i>PK (DEPC)</i>
Supv Detective	0083-09	#2456	S	<del>NC</del> <i>AL</i>
Police Officer	0083-04	#2640	P	NC
Police Officer	0083-05	#2641	P	NC
Police Officer	0083-05	#2636	P	NC
Police Officer	0083-05	#3040	P	NC
Police Officer	0083-06	#2669	P	NC
Police Officer	0083-06	#2682	P	NC
Police Officer	0083-06	#4254	S	NC
Supv Police Officer	0083-07	#2163	S	NC
Supv Police Officer	0083-07	#2637	S	NC
Supv Police Officer	0083-07	#2646	S	NC
Supv Police Officer	0083-11	#2424	S	NC
Police Officer	0083-07	#4096	P	NC

Fort Pickett

Police Officer	0083-04	#89228	P	NC
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Encl 1

TITLE	SERIES/GRADE	PD #	PRIMARY (P)/ SECONDARY (S)	ADVISORY CONCUR (C) NON-CONCUR (NC)
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### Fort Detrick

Criminal Investigator	1811-11	#S0010	P	C
Police Officer	0083-04	#S0030	P	NC
Police Officer	0083-05	#S0060	P	NC
Lead Police Officer	0083-06	#S0030	S	NC
Lead Police Officer	0083-07	#S0170	S	NC
Supv Police Officer	0083-08	#S0160	S	NC
Supv Police Officer	0083-09	#S0040	S	NC
Provost Marshal	0301-12	#S0120	S	NC

### Criminal Investigation Command

San Francisco, CA  
 Laguna Hills, CA  
 Phoenix, AZ  
 Irving, TX  
 Redstone Arsenal, AL  
 Vicksburg, MS  
 Patrick AFB, FL  
 Fort Gillem, GA  
 Fort Dix, NJ  
 Media, PA  
 Fort Meade, MD  
 Warren, MI  
 Chicago, IL  
 Rock Island, IL  
 Heidelberg, GE

Criminal Investigator	1811-12	#71258	P	C
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